

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**March 29 – April 2, 2004**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-30	EX	76354413	Gino's Jewelers	Hairston Rogers* Drost	2(d)	Refusal Affirmed		"GINO'S JEWELERS" (in stylized format) [goods in precious metal, namely, rings, bracelets, watches, earrings, necklaces, pins being jewelry, precious and non-precious gemstones]	"GINO M" [jewelry made of precious metals and/or semi-precious or precious stones]	Butler	No
3-30	OPP	91125257	Sharp Kabushiki Kaisha v. Micro Sharp, Inc.	Quinn Bucher Bottorff*	2(d)	Opposition Sustained (under Trademark Rule 2.135)	"SHARP" [ <i>a wide variety of electrical and/or electronic products and components</i> ]	"MICROSHARP" (and design) [distributorship, retail store, and online retail services for computer hardware and software products, computer systems, and audio-video equipment]			No
3-30	CANC	92024275	Osmosis Technology, Inc. v. GE Osmonics, Inc.	Cissel Hairston Walters*	2(d); fraud	Petition to Cancel Denied	"OSMOTIK" [reverse osmosis solvent separation or ultrafiltration units used, for example, in separating water from a salt solution]	"OSMONICS" [fluid separation systems for water purification, pollution control and fluid]			No
3-30	CANC	92019494	35 Food Corp. v. L.F.I. Inc.	Quinn Hairston* Bucher	2(d)	Petition to Cancel Granted	"ANTONIO'S" [Italian style food products such as pastas and sauces]	"ANTONIO" [imported cheeses, canned tomatoes, canned pepper strips, and canned mushrooms]			No
3-30	EX	76324711	The Caregivers Group, Inc.	Hairston* Walters Rogers	2(e)(1)	Refusal Reversed		"THE CAREGIVERS MARKETPLACE" [providing business marketing information in the medical products and services industry]		R. Kim	No

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3-30	CANC	92030200	Gene Link, Inc. v. Genelink, Inc.	Hohein Hairston Bucher*	2(d)	Petition to Cancel Denied	"GENE LINK" [services and products for DNA synthesis, gene identification (testing), mutation analysis, gene localization, gene mapping, gene construction, gene mutagenesis, DNA sequencing, cloning and all other areas of genetic research and development, including instrumentation, computing and software]	"GENELINK" (and design) [DNA testing and storage of DNA material for medical diagnostics and identity testing]			No
3-30	EX	75373093	Compunitix, Inc.	Walters* Chapman Bucher	2(d)	Refusal Affirmed		"MINUET" [multiple point control units for multimedia, audio or video conferencing, namely, conferencing bridges]	"MINUET" [computer software, namely, a communications program to automatically distribute calls]	Gartner	No
3-30	EX	76350454	REAL-METROS.COM, Inc.	Hanak Quinn Walters*	2(e)(1)	Refusal Affirmed		"METROGUIDE" [travel services, namely, providing information and services via a global computer network for arrangement of travel, lodging, hotels, shopping, dining, events, car rental, and real estate for groups and individuals]		Brown	No
3-30	EX	76424152	Nature's Rest, Inc.	Quinn Bucher* Rogers	2(e)(1)	Refusal Affirmed		"LATEXCORE" [latex pillows and latex mattresses]		Vanston	No

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3-30	EX	75733593	Locus Technologies	Walters* Bottorff Holtzman	whether applicant's specimens show trademark use of its mark on its recited goods	Refusal Affirmed		"EIM" [managing software, namely, software for analysis, monitoring, management, remediation, containment, assessment, and treatment of toxic materials]		B. Smith	No
3-30	EX	76219400	New Life Ministries	Quinn Walters Holtzman*	2(d)	Refusal Reversed as to both classes of services		"NEW LIFE MINISTRIES" [ <i>in Class 35</i> : management services, namely, operating out-patient rehabilitation treatment centers for the treatment of psychiatric disorders, victims of abuse, drug and alcohol abuse, co-dependency, sexual disorders, and eating disorders and the operation of a residential facility for the treatment of chemical dependency, mail order catalog services featuring books, audio tapes and video tapes in the field of religion, apparel, and health products; <i>in Class 41</i> : entertainment in the nature of ongoing radio programs in the field of religion featuring an inbound call center for making counseling referrals to licensed mental health professionals]	"NEW LIFE RUNDOWN" [religious and ministerial services, namely, pastoral counseling]	Linnehan	No

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3-30	EX	76322156	Planalytics, Inc.	Seeherman Quinn Drost*	2(e)(1); 2.61(b)	Refusal Affirmed on both grounds		"GASBUYER" [providing on-line risk management services in the field of pricing and purchasing decisions for natural gas]		Miller	Yes
3-30	EX	75934845	Gemfire Corp.	Seeherman Chapman Drost*	2(d)	Refusal Reversed		"PhotonIC" [electronic display systems, consisting of display panels and components thereof; computer and display peripherals and software for operating electronic display systems and display panel functions; integrated optical circuits and systems <i>including a wide variety of integrated optical components, including optical waveguides, switches, couplers, modulators, demodulators, optical sensors, multiplexers, etc.</i> ]	"PHOTONICS" (in stylized format) [ <i>a wide variety of goods in Class 9, including: fiber optic light and image conduits; telecommunication systems incorporating, inter alia, optical signal generators; wavelength division multiplexing optical telecommunications systems incorporating a wide variety of components, including optical wave guide devices, multiplexers, optical signal switches, etc.</i> ]	LaMothe	No
3-30	EX	76357515	Merillat Industries, Inc.	Hanak Hohein Drost*	2(e)(4)	Refusal Affirmed		"LANDIS" [cabinetry, namely, kitchen and bathroom cabinets and cabinet doors]		Goodman	No
3-30	EX	75614118	Edmund Burke	Chapman Bucher Drost*	whether the matter applicant seeks to register functions as a mark for its recited goods	Refusal Affirmed		"R" <sup>4</sup> [books, pamphlets, and brochures related to a nutritional system and nutritional and dietary supplements for improving muscle performance and speeding muscle recovery]		Berk	No

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3-30	OPP	91151637	Lastar.com, Inc. v. Global Manufacturing Solutions, LLC	Seeherman Hairston Chapman*	2(d)	Opposition Sustained	"CABLES TO GO" [a wide variety of computer cables and other connectivity products, including adapters, power protection products, cable tools and cable test products, premise wiring products, switches, firewire products, ink jet cartridges, etc.]	"GOCABLES" [electronic cable assemblies and accessories, namely, connectors, cables, jack/pins]			No
3-31	OPP	91122288	Children's Hospital of Philadelphia v. General Hospital Corp.	Seeherman* Hohein Walters	2(d)	Opposition Dismissed	stylized human figures ("tumbler figures") [providing pediatric medical services] <i>and other marks incorporating one or more similar figures, all for various medical services</i>	"MASS GENERAL HOSPITAL FOR CHILDREN" (and design incorporating stylized human figures) [hospital and health care services]			No
3-31	EX	76266486	1051 FM, LLC	Hanak Bucher* Drost	2(e)(1)	Refusal Affirmed		"eFM" (and design) [radio broadcasting]		Eulin	No
3-31	CANC CANC	92032360 92040141	Zimmerman v. National Association of Realtors	Cissel Bucher* Rogers	genericness	Petition to Cancel Denied in both cases		"REALTOR" and "REALTORS" [ <i>collective service marks</i> for real estate brokerage, management, appraisal and planning services involving buildings and land, as delivered by members of a professional association]			Yes

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3-31	OPP	91152156	Pro-Football, Inc. and NFL Properties LLC v. Campbell	Walters* Rogers Drost	2(d)	Opposition Sustained	“THE REDSKINS” (in stylized form) [entertainment services, namely, football exhibitions rendered live in stadia and through the media of radio and television broadcasts]; “REDSKINS,” “THE REDSKINS” (and design), “WASHINGTON REDSKINS,” and “WASHINGTON REDISKINS” (and design) [all four marks for entertainment services, namely, presentations of professional football contests]; “WASHINGTON REDSKINS” and “REDSKINS” [a wide variety of licensed promotional goods, including stationery items and various items of clothing]	“WASHINGTON PIGSKINS” [in Class 16: trading cards, posters, magazines, and books regarding football; postcards, calendars, wrapping paper, paper gift boxes, paper stickers, paper napkins, paper towels, poster books, note pads, paper hats, and greeting cards; in Class 25: sneakers and a wide variety of clothing items]			No
3-31	CANC	92030582	McNider v. VATAX Reclaim Ltd.	Seeherman Walters Bottorff*	2(e)(1)	Petition to Cancel Denied		“VATAX” [value added tax recovery and refund consultation services]			No

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3-31	OPP	91118745	Sharp Kabushiki Kaisha v. ThinkSharp, Inc.	Seeherman Hairston* Chapman	2(d)	Opposition Dismissed as to both classes of goods and services	“SHARP” [ <i>a wide variety of electrical and/or electronic products and components</i> ]	“THINKSHARP” [ <i>in Class 16: computer software for use as education programs in the fields of problem solving and critical thinking, pre-recorded videocassette tapes featuring education programs in the field of problem solving and critical thinking; and CD-ROMS containing education programs; in Class 41: educational services, namely, providing information, conducting educational seminars and distributing education materials via classroom instruction, the Internet, and satellite transmission, in the fields of problem solving and critical thinking</i> ]			No
3-31	EX	75980413	Northland Organic Foods Corp.	Seeherman Quinn* Holtzman	2(d)	Refusal Affirmed as to both cited registrations		“NORTHLAND ORGANIC FOODS” [transportation by freight, train, and truck and storage of seeds and grain]	2 cited registrations owned by the same entity: “NORTHLAND EXPRESS TRANSPORT” and “NORTHLAND EXPRESS TRANSPORT” (and “N” design) [ <i>both marks for freight transportation of goods by truck and freight brokerage services</i> ]	Adkins	No

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3-31	EX	76249513	Peter Thomas Roth Labs, LLC	Seeherman Hohein* Chapman	2(d)	Refusal Affirmed		"PETER" [ <i>hair care preparations and a wide variety of cosmetics, skin care preparations, and fragrances</i> ]	"PETERER" [ <i>a wide variety of cosmetics and skin care products</i> ]	Foster	No
3-31	EX	76320516	H. D. King	Cissel* Seeherman Quinn	2(d)	Refusal Reversed		"THE HOT DOG KING" (and design) [restaurant services]	"JOE & NEMO SINCE 1905 THE HOT DOG KINGS" (and design) [fast food restaurant services]	Fine	No
4-1	EX	75613624	F. Schumacher & Co.	Hanak* Hohein Drost	whether the packaging for applicant's goods is an inherently distinctive trademark for its goods or, in the alternative, has acquired distinctiveness as a trademark	Refusal Reversed as to the goods in Class 16; Refusal Affirmed as to the goods in Class 27		the configuration of the rounded binding of applicant's wallpaper sample books [ <i>in Class 16: sample books for wallcoverings and wallpaper; in Class 27: vinyl wallcoverings and wallpaper</i> ]		Donnell	No

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